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REMARKS

Claims 1 through 16 and new Claims 17 and 18 are pending in the application.

This Preliminary Amendment is in response to an Election Requirement issued June 27, 2005. Accordingly, Applicants respectfully request entry of this Preliminary Amendment prior to the examination of the merits of the invention in accordance with MPEP 714.01 (e) and 37 CFR 1.104.

The Election Requirement indicates that the claims lack unity of invention and restricts the claims into two general groupings.

Compound I, defined by A, B, X and n; and

Compound II, defined by C, Y, D and m.

Claims 1, 2, 3, 10, 11 and 12 have been amended to emphasize the similarities between Compound Families (I) and (II). In particular, Claims 1, 2, 3, 10, 11 and 12 have been amended to reflect the same variable identifiers for identical compounds and/or indices, i.e. "B" has been substituted for identical moiety "C"; "m" has been substituted for identical index "n," and "o" has been substituted for identical index "s." Support for this amendment can be found in the Application-as-filed.

Claims 1, 2, 3 and 10 have been amended to include X and/or Y linking compounds inadvertently missing from the claim-as-submitted. Support for the missing X linking compound can be found in the Application-as-filed, for example at Page 3, line 9. Support for the missing Y linking compound can likewise be found in the Application-as-filed, for example on Page 4, lines 8 through 9.

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Claim 7 has been amended to conform to Claim 1.

Claim 8 has been amended to include a process step inadvertently missing from the claim as-submitted. Support for the reaction of the resulting compound of Claim 8 with polyethyleneimine can be found in the Application-as-filed, for example at Page 7, lines 24 through 25.

Claim 9 has been amended to correct a typographical error.

Claims 17 and 18 were added with traverse solely to ensure pendency of the above-referenced application in conformance with Paragraphs 1 and 4 of the outstanding Election, wherein Applicants are expressly required to elect (i) a single compound, (ii) a process to form such a compound and (iii) a complexation thereof with a particular polynucleic acid.

Claim 17 is directed to compounds defined solely by A, B, X and n. Support for Claim 17 can be found in the Application-as-filed, for example in Claim 1 as-filed.

Claim 18 is directed to methods of complexing DNA which comprises contacting a compound defined solely by A, B, X and n with DNA. Support for Claim 18 can be found in the Application-as-filed, for example in Claims 10 and 13 as-filed.

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Traversal of the
Outstanding Election Requirement

As noted above, the outstanding Election Requirement indicates that the claims lack unity of invention and restricts the claims into two general groupings:

Compound I, defined by A, B, X and n; and

Compound II, defined by C, Y, D and m.

Applicants respectfully traverse the outstanding Election Requirement. Applicants more specifically respectfully submit that both Compound Families (I) and (II) are obtained by one inventive idea and in addition serve the same purpose. Thus Applicants submit that unity of invention exists between Compound Families (I) and (II).

Both Compound Families (I) and (II) are generally obtained using the same sequence of chemical reactions. For Compound Family (II), one starts with the alcohol D-OH (Compound IX) which is reacted with diisocyanate and subsequently with a linear or branched polyethyleneimine (cf. the Application-as-filed at Claim 9 and Specification at Page 8 under d as well as Page 10). The same applies to Compound Family (I) which starts with the alcohol A-OH (Compound Family V) (cf. the Application-as-filed at Page 7 and Pages 8 to 9). Furthermore, the fact that there are no examples especially designed for Compound Family (II) provides additional evidence that Compound Families (I) and (II) arise from the same inventive principle. All of the exemplary methods can thus be employed in order to achieve compounds of either Compound Families (I) or (II).

Furthermore, both Compound Families (I) and (II) are formed from the same or comparable moieties. Compound Family (I) and (II) are each formed from 3 moieties: (i) polyethylene imine (PEI); (ii) a hydrophilic non-ionic polymer or PEG and (iii) a linking moiety.

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Concerning the first moiety, the PEI employed in both Compound Family (I) and (II) is identical, as reflected in the claims-as-amended.

Concerning the second moiety, the PEG of Compound Family (II) is a particular type of the hydrophilic non-ionic polymer recited in Compound Family (I). In particular, Component "A" in Compound Family (I) is hydrophilic, nonionic linear or branched polymer (cf. Claim 1 and the Application-as-filed on Page 5), whereas Component "D" in Compound Family (II) is an R-substituted polyethylene glycol (cf. Claim 1 and the Application-as-filed on Page 6 last paragraph). As known in the art, such R-substituted polyethylene glycol are a special type of hydrophilic nonionic linear or branched polymer. Component D of Compound Family (II) is therefore a sub-group of Component A of Compound Family (I).

Concerning the third moiety, the linkers X of Compound Family (I) largely match with the linkers Y of Compound Family (II). In particular, the 1st, 2nd, 4th and 6th X linkers of Compound Family (I) are identical to the 1st, 2nd, 4th and 5th Y linkers of Compound Family (II). Thus, almost 4/5 of the linkers disclosed for Y can be found for X.

Consequently, the three moieties that form Compound Family (I) are largely identical to the three moieties that form Compound Family (II).

The foregoing common features of Compound Family (I) and Compound Family (II) are clearly sufficient to demonstrate them to be obtained by one original inventive idea. Applicants thus respectfully request withdrawal of the outstanding Election Requirement.

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Provisional Election with Strong Traverse

As noted above, Paragraphs 1 and 4 of the outstanding Election Requirement expressly require Applicants to elect a (i) single compound, (ii) a process to form such a compound and (iii) complexation of the selected compound with a particular polynucleic acid.

New Claim 17 is directed to compounds defined solely by A, B, X and n. Claim 8 is directed to processes by which to form compounds defined solely by A, B, X and n. New Claim 18 is directed to methods of complexing DNA which comprises contacting a compound defined solely by A, B, X and n with DNA.

Out of an abundance of caution in ensuring the pendency of the above-referenced case, Applicant's Representative proffers a provisional election with strong traverse to prosecute claims directed solely to Compound Family (I) (e.g. a compound formed solely of A, B, X and n), processes to form the same, and complexation of the same with DNA, i.e. Claims 17, 8 and 18, respectively.

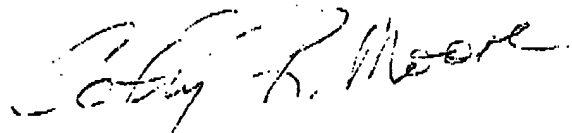
CONCLUSION

It is respectfully submitted that Applicants have made a significant and important contribution to the art, which is neither disclosed nor suggested in the art. It is believed that all of pending Claims 1 through 18 are now in condition for immediate allowance. It is requested that the Examiner telephone the undersigned if any questions remain to expedite examination of this application. In particular, should the foregoing provisional election be deemed an insufficient response, Applicants' Representative is prepared to arrange for affirmation of the provisional election upon the Examiner's specific urging.

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It is not believed that extensions of time or fees are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time and/or fees are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required is hereby authorized to be charged to Deposit Account No. 50-2193.

Respectfully submitted,



Cathy R. Moore
Reg. No. 45,764

ProPat, L.L.C.
425-C South Sharon Amity Road
Charlotte, NC 28211-2841
Telephone: (704) 365-4881
Fax: (704) 365-4851
Customer No. 38263

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Claire Wygand